

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAILED

JUL 22 2003

**PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte WOLFGANG KUSCHKE,
HARDIAL SINGH GILL and WILLIBALD KONRATH

Application 09/095,397

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on July 1, 2003. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith returned to the examiner. The matters requiring attention prior to docketing are identified below.

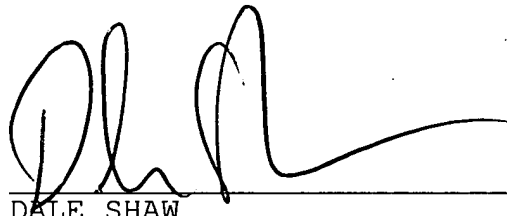
On December 30, 1999, appellants filed an amendment (Paper No. 8) requesting the addition of claim 8 and amendments to claims 1 and 7. It is noted that the language of claims 1 and 7 in the Appendix to the Appeal Brief filed June 11, 2002 (Paper No. 30) differs from its last amended version. 37 CFR § 1.192(c)(9) (2001) requires that the Appendix to the Appeal

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Brief contain a correct copy of the claims involved in the appeal. It should be noted that this defect was previously noted in the Order Returning Undocketed Appeal to Examiner mailed October 15, 2002 (Paper No. 32).

Accordingly, it is

ORDERED that the application is returned to the Examiner for notification to appellants to submit a corrected Appendix to the Appeal Brief filed June 11, 2002 (Paper No. 30) to replace the existing defective Appendix, or for the examiner to issue a supplemental Examiner's Answer to officially correct claims 1 and 7, and for such further action as may be appropriate.

A handwritten signature in black ink, appearing to read 'Dale Shaw', is written over a horizontal line.

DALE SHAW
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